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09/779,210	02/08/2001	Fanny Maquaire	TIF-30144	6628
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/779,210  
Filing Date: February 08, 2001  
Appellant(s): MAQUAIRE ET AL.

**MAILED**

**JUN 01 2007**

**Technology Center 2600**

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Carlton H. Hoel  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 03/01/2007 appealing from the Office action mailed 07/03/2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

5,805,672	BARKAT	09-1998
US 2002/0086711	FLANNERY	07-2002
WO 96/27974	VAN DER SALM	09-1996

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 4-10 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Salm (WO 96/27974) in view of Barkat et al. (5,805,672).

Regarding claim 1, Van Der Salm discloses a mobile communication device (See fig. 4) comprising: a database 19 of telephone numbers, one or more the telephone numbers associated with respective audio files (name sound); and a caller identification circuitry 17 for detecting an originating telephone number associated with an incoming telephone and, if the originating is associated with an audio file (name sound), playing the associated audio file (name sound) (See Abstract and figs. 3-4, page 15 line 19 to page 16 line 4, page 16 lines 14-36, page 18 lines 27-31, page 22 lines 34-38).

However, Van Der Salm does not mention that the mobile communication device comprising a voice activated dialing circuitry for dialing one of the telephone numbers in response to identifying a match between an audio input from a user and one of templates, and for playing the associated audio sound (sound name) in response to the match. Barkat teaches an accessory voice operated unit integrated with a cellular

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telephone (See figs. 1-2) comprising a voice activated dialing circuitry for dialing one of pre-stored telephone numbers in response to identifying a match between an audio input from a user and one of templates, and for playing the associated audio sound (sound name) in response to the match (See figs. 2-4 and col. 3 line 26 to col. 5 line 45). Since both Van Der Salm and Barkat disclose devices that utilize database including telephone numbers and its associated audio files (name sound) for getting user's intention during their operations of dialing telephone numbers and receiving incoming calls; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teachings of Barkat in modifying the mobile device as disclosed by Van Der Salm with the voice activated dialing circuitry as well as configuring both caller identification circuitry and voice activated dialing circuitry to use the same database of the telephone numbers and its associated audio files for the advantage of providing flexibility and convenience to a user by allowing the user to conduct hands-free telephone communication.

Claim 10 is rejected for the same reasons as set forth in claim 1, as method.

Regarding claim 4, Van Der Salm & Barkat disclose as cited in claim 1. Van Der Salm further discloses the caller identification circuitry further plays a distinctive ring associated with the originating telephone number not associated with an audio file (See fig. 3 and page 14 lines 27-38).

Claim 13 is rejected for the same reasons as set forth in claim 4, as method.

Regarding claim 5, Van Der Salm & Barkat disclose as cited in claim 1. Barkat further discloses the audio files are recordings of the user's voice (See col. 4 lines 45-62).

Claim 14 is rejected for the same reasons as set forth in claim 5, as method.

Regarding claims 6, Van Der Salm & Barkat disclose as cited in claim 1. Van Der Salm further discloses the mobile communication device is a cellular telephone (See page 11, lines 9-15).

Regarding claim 7-9, Van Der Salm & Barkat disclose as cited in claim 1. However, they do not explicitly mention that the mobile communication device is a smart phone or a PDA or a portable computer. Since smart phone or PDA or a portable computer are known in the art; therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use smart phone or PDA or portable computer as the mobile communication device as disclosed by Van Der Salm & Barkat for the advantage of expanding the capability of the device to various types of mobile communication devices.

2. Claims 2-3 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Salm (WO 96/27974) in view of Barkat et al. (5,805,672) as applied to claims 1 and 10 above, and further in view of Flannery (2002/0086711).

Regarding claims 2-3, Van Der Salm & Barkat disclose as cited in claim 1. However, they do not mention that the mobile communication device displays the originating telephone number and its associated name on the display. Flannery teaches

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a portable phone 2 wherein displays the originating telephone number and its associated name on the display in response to an incoming call (See figs. 1-2 and page 1 [0006], page 2 [0018]). Since both Van Der Salm & Barkat and Flannery suggest portable or mobile communication device indicating the user about the incoming calls either audibly or visually; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the mobile communication device to display the originating telephone number and its associated name for the advantage of expanding the capability of the device to various types of call-alerted indications as well as allowing the user to visually identify the caller to accept and/reject the incoming call.

Claims 11-12 are rejected for the same reasons as set forth in claims 2-3, as method.

#### **(10) Response to Argument**

The Applicant argued that there is no suggestion to combine Van Der Salm and Barkat because "Van Der Salm emphasized the algorithmic conversion of caller identification information into ring tones to avoid a large memory containing ring tones, **and this counters any suggestion that a name recognition database**" (See Appeal Brief, Argument section, page 5). The Examiner respectfully disagrees with the Applicant's argument. In this instant case, Van Der Salm does teach a memory 19 (database) for storing telephone numbers with theirs associated customized audio files (name sound) used by the caller identification circuit for getting user's attention during its operation of receiving incoming calls (e.g. JOHN calling) (See Abstract and figs. 3-4,

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page 15 line 19 to page 16 line 4, page 16 lines 14-36, page 18 lines 27-31, page 22 lines 34-38) and Barkat teaches a database for storing customized audio files (name sound) with their associated telephone numbers used by the voice activated dialing circuitry for getting user's attention during its operation of dialing outgoing calls (e.g. calling JOHN) (See figs. 2-4 and col. 3 line 26 to col. 5 line 45). Since both Van Der Salm and Barkat teach the utilization of database containing telephone numbers and their associated audio files by circuitry of mobile communication device; therefore they are combinable and Van Der Salm in view of Barkat wherein device's caller identification circuitry and device's voice activated dialing circuitry utilize the same database of telephone numbers and their associated audio files (name sound), would arrive to the claimed invention.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.




For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


  
Tuan Tran

May 24, 2007

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